

Defendant contends that Plaintiff's Complaint should be dismissed because he has not followed the proper procedure relevant to a cause of action involving property which has been seized by the United States for a violation of the Controlled Substance Act and because there is no statutory authority for Plaintiff's cause of action. For the reasons more fully set forth in Defendant's Motion to Dismiss the court finds that Plaintiff's Complaint should be dismissed.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Complaint is **DISMISSED**; [1]

IT IS FURTHER ORDERED that a separate Judgment shall issue this same date incorporating this Memorandum Opinion.

/s/Mary Ann L. Medler
MARY ANN L. MEDLER
UNITED STATES MAGISTRATE JUDGE

Dated this 13th day of September, 2005.